

Application No.: 10/628,695
Filing Date: July 28, 2003

AMENDMENTS TO THE DRAWINGS

Please amend the drawings as set forth in the Replacement Sheets provided in the Appendix, which replace all prior versions of the drawings.

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REMARKS

In response to the final Office Action mailed July 30, 2007, the Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Summary of the Office Action

In the July 30, 2007 final Office Action, Claims 64-70 stand allowed. However, Claims 42-57, 63 and 71-77 stand rejected. In addition, the drawings are objected to by the Examiner.

Summary of the Amendment

Upon entry of this amendment, Applicants will have amended Claims 42, 51, 71-74, and 76-77. Further, Applicants will have canceled Claims 64-70. Applicants will have also submitted new Claims 78-86 for consideration. By this amendment, the Applicants respond to the Examiner's comments and rejections made in the July 30, 2007 final Office Action. Please note that in the amendments to the claims, deletions are indicated by strikethrough (e.g. ~~deletion~~) or double brackets (e.g. [[word]]) and additions to the claims are underlined (e.g. addition). Applicants respectfully submit that the present application is in condition for acceptance.

Corrected Drawings

New corrected drawings were required in the Office Action. Applicants hereby submit replacement drawings in compliance with 37 CFR 1.121(d) as requested by the Examiner.

Traversal of Rejection under 35 U.S.C. § 103(a)

In the July 30, 2007 final Office Action, Claims 42-57, 63 and 75 stand rejected under Section 103(a) as being unpatentable over U.S. Patent No. 7,013,009, issued to Warren in view of U.S. Publication No. 2003/0073460, issued to van Pelt et al. (hereinafter "Warren in view of van Pelt"). Applicants respectfully traverse this rejection and submit that neither Warren nor van Pelt disclose each and every feature recited in Claims 42-57, 63 and 75. While Applicants reserve the right to prosecute Claims 42 and 51 as originally filed, Applicants have amended Claims 42 and 51 in order to expedite prosecution of this Application. Accordingly, Applicants

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request that this rejection be withdrawn because neither Warren nor van Pelt disclose each and every feature recited in Claims 42-57, 63 and 75.

Claim 42 is directed to, *inter alia*, a wearable wireless audio interface having “an antenna extending along at least one of said first and second ear stems of said support.” Applicants respectfully submit that neither Warren nor van Pelt disclose at least this feature of Claim 42. Indeed, the Examiner apparently indicated that such feature would be allowable in merely objecting to former Claim 71 as being allowable save for being dependent upon a rejected base claim.

Applicants respectfully submit that Claim 42 defines over both Warren and van Pelt, and therefore request that the Examiner indicate allowance of Claim 42. Further, Applicants request that the Examiner indicate allowance of Claims 43-50 and 71-74 which depend from Claim 42 for at least the reason that these claims depend from an allowable base claim.

Claim 51 is directed to, *inter alia*, a wearable wireless audio interface having “interface electronics including a speech recognition engine for receiving said microphone signal and controlling at least one of said cellular telephone and said audio device in response to said microphone signal.” Applicants respectfully submit that neither Warren nor van Pelt disclose at least this feature of Claim 51. Indeed, the Examiner apparently indicated that such feature would be allowable in merely objecting to former Claim 77 as being allowable save for being dependent upon a rejected base claim.

Applicants respectfully submit that Claim 51 defines over both Warren and van Pelt, and therefore request that the Examiner indicate allowance of Claim 51. Further, Applicants request that the Examiner indicate allowance of Claims 52-57, 63, and 75-77 which depend from Claim 51 for at least the reason that these claims depend from an allowable base claim.

New Claims 78-86

Applicants also hereby submit new Claims 78-86 for consideration. Claim 78 is directed to a wearable wireless audio interface including, *inter alia*, “an antenna extending along at least one of the frame and in communication with the interactive electronic device, the first ear stem, and the second ear stem of the eyeglass.” Claim 84 is directed to a speech recognition interactive device including, *inter alia*, “interface electronics comprising a receiver and a transmitter to

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communicate with at least one of a cellular telephone and an audio device, the interface electronics further comprising a speech recognition engine for receiving the microphone signal and converting a speech command of the wearer to an electronic signal for transmission to the at least one of a cellular telephone and an audio device.” Applicants submit that these claims are allowable over the art of record and respectfully request that the Examiner indicate allowance of these claims.

No Admissions

Although the present communication includes a discussion of distinctions between claims, Applicants are not conceding that those are the only patentable distinctions between the claims, or that claims within a single group are obvious variants of other claims in that group. Rather, the present suggested restriction requirement is provided simply to aid the Examiner in expeditiously examining the Application.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

The Applicants respectfully submit that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Therefore, the Applicants respectfully request that the Examiner indicate that Claims 42-57, 63, 71-86 are now

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acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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